

ARTICLE 2. - USES AND SUPPLEMENTAL STANDARDS

Division 2.100 - Purpose

SEC. 2.101 - PURPOSE

This Article has the following purposes:

- A. **Permitted Uses.** This Article sets out the uses that are permitted in each zoning district.
- B. **Limited Uses.** This Article identifies other uses that have been determined to be appropriate in one or more zoning districts, but only when they comply with certain criteria itemized in these regulations. Applications for Limited Uses are reviewed and approved by the Development Services Director.
- C. **Specific Uses.** This Article establishes a process through which additional standards may be appropriate on a particular site subject to conditions so they are not incompatible with surrounding uses. These additional standards may provide limitations on the intensity of use, land area, site design and other factors that are appropriate to each class of use. Applications for Specific Uses are approved by the City Council, upon recommendation of the Planning Commission.

(Ord. No. 15-019, § 2, 3-5-15)

Division 2.200 - Uses by District

SEC. 2.201 - PERMITTED, RESTRICTED AND SPECIFIC USES

A. **Symbols in Uses Table.** The following symbols are used in Table 2.201 to indicate whether a particular use is permitted, limited, permitted by specific use review or prohibited within each zoning district:

- 1. "P" indicates a Permitted Use, where the use is permitted as a matter of right.
- 2. "L" indicates a Limited Use, which is permitted subject to review by the Development Services Director for compliance.
- 3. "S" indicates a Specific Use, which is allowed only upon the granting of a specific use permit as provided in Section 13.203, Specific Uses. The Planning Commission and then the City Council review specific use permit applications
- 4. "-" indicates a prohibited use.

Within the Historic Zoning District, the uses identified as Permitted (P) or Limited (L) in the Commercial Land Uses section of the following Table are applicable to corner store locations identified in Article 3, page 3-20 Historic Zoning District zone.

Table 2.201 Agricultural and Residential Uses													
P = permitted use; L = limited use; S = specific use review; "-" = prohibited use													
Zoning District													
	R-0	R-1	R-2	MF	UN	HZD	TN	C	CB	RES/REC	LI	HI	Use Standard
Agricultural Land Use													
Agricultural Support	-	-	-	-	-	-	-	-	-	-	L	L	
Agriculture/Urban Farming	-	-	-	P	P	-	P	P	P	P	P	P	
Commercial Stable	-	-	-	-	-	-	-	-	-	-	P	P	
Residential Stable	-	-	L	L	-	-	P	-	-	P	-	-	LIMITED
Nursery or Greenhouse, Wholesale	-	-	-	-	-	-	-	-	-	-	L	L	LIMITED
Veterinarian, Large Animal	-	-	-	-	-	-	-	-	-	-	P	P	
Residential Land Uses													
Accessory Dwelling Unit	-	P	L	L	L	L	L	L	-	-	-	-	LIMITED
Bed and Breakfast	-	-	-	L	L	L	P	P	P	L	-	-	LIMITED
Boarding House, Dormitory, Fraternity or Sorority	-	-	-	P	L	-	P	P	P	P	P	-	LIMITED

Child Care Facility, Residential (Day Care)	-	-	L	P	L	L	L	P	P	P	-	-	LIMITED
Community Garden	-	-	L	L	L	L	L	P	L	P	P	P	LIMITED
Cottage Food Production	P	P	P	P	P	P	P	P	P	P	P	P	State Law
Home Based Occupation/Business	-	-	-	P	L	-	P	P	P	P	P	P	LIMITED
Home Based Occupation	L	P	P	P	P	L	P	P	P	P	P	P	
Hospital House Establishment	-	-	-	L	L	-	P	P	P	P	P	-	LIMITED
Live-Work Unit	-	-	-	P	L	-	P	P	P	P	P	P	LIMITED
Manufactured Housing Development	-	-	L	S	-	-	-	-	-	S	S	-	SUP
Multi-Family Residential	-	-	-	P	L	-	P	P	L	P	-	-	LIMITED
Personal Care Homes (DADS)	P	P	P	P	P	P	P	P	P	P	P	P	State Law
Short Term Rental Residential Dwelling	-	P	P	P	P	L	P	P	P	P	P	P	
Single-Family Attached	-	-	-	P	L	L	P	P	L	P	-	-	LIMITED
Single-Family Detached	P	P	P	P	P	P	P	P	L	P	-	-	LIMITED
Commercial Land Use													
Adult Day Care	-	-	-	P	L	-	P	P	P	P	P	-	LIMITED
Adult Use (SOB)	-	-	-	-	-	-	-	S	-	-	S	S	SUP
Alcoholic Beverage Sales, Liquor Store or Package	-	-	-	P	S	-	P	P	P	P	P	P	SUP
Arena/Stadium	-	-	-	-	-	-	-	P	P	P	P	P	
Auto Service/Fueling or Charging Station	-	-	-	-	-	-	P	L	L	L	L	P	LIMITED
Bar	-	-	-	-	S	-	P	P	L	P	P	P	LIMITED/ SUP
Child Care Facility, Day Care (Commercial)	-	-	-	P	L	-	P	P	P	P	-	-	LIMITED
Cleaning/laundry pick-up station	-	-	-	P	L	P	P	P	P	P	P	P	LIMITED
Cleaning/laundry-mat self service	-	-	-	P	L	-	P	P	P	P	P	P	LIMITED
College/University/Vo-Tech	-	-	-	P	P	-	P	P	P	P	P	P	

Galveston, TX Code of Ordinances

Commercial Amusement/Recreation Indoor	-	-	-	-	L	-	L	L	L	L	-	-	LIMITED
Commercial Amusement/Recreation Outdoor	-	-	-	-	-	-	L	L	L	L	P	P	LIMITED
Commercial Lodging (Hotel)	-	-	-	-	S	-	P	P	P	P	P	P	SUP
Correctional or Rehabilitation Facility	-	-	-	-	-	-	-	S	-	-	S	S	SUP
Credit Access Business	-	-	-	-	-	-	-	L	-	-	-	-	
Flea Market	-	-	-	-	-	-	-	L	L	L	L	L	LIMITED
Gun Shop	-	-	-	-	-	-	-	L	L	L	L	L	LIMITED
Heavy Vehicle, Manufactured Home, Watercraft or Aircraft Sales or Rental	-	-	-	-	-	-	-	-	-	L	L	L	LIMITED
Homeless Shelter	-	-	-	-	-	-	-	S	S	S	P	P	SUP
Hospital	-	-	-	-	-	-	P	P	P	P	P	-	
Kenel	-	-	-	-	-	-	-	L	-	L	L	P	LIMITED
Library	-	-	P	P	P	-	P	P	P	P	P	P	
Medical Office/Clinic/Lab	-	-	-	P	L	-	P	P	P	P	P	-	LIMITED
Music Instruction	P	P	P	P	P	P	P	P	P	P	P	P	
Nursery or Greenhouse, Retail	-	-	-	-	-	P	-	P	P	P	P	P	
Nursery Wholesale	-	-	-	-	-	-	-	L	-	-	P	P	LIMITED
Nursing/Convalescent Home	-	-	S	L	L	-	P	P	P	P	P	P	LIMITED/SUP
Office	-	-	-	-	L	-	L	P	L	L	L	L	LIMITED
Parking Lot, Commercial Surface Parking Area	-	-	-	-	-	-	-	-	-	-	L	L	LIMITED
Parking Structure or Lot Incidental to Main Use	-	-	-	P	L	-	P	L	P	L	P	P	LIMITED
Parking Structure — Mixed Use	-	-	-	L	L	-	L	L	L	L	L	-	LIMITED
Passenger Motor Vehicle Sales or Rental	-	-	-	-	-	-	-	L	L	-	P	P	LIMITED
Pawn Shop	-	-	-	-	-	-	-	P	P	-	P	-	

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Personal Fitness	-	-	-	L	L	P	L	P	P	P	P	-	LIMITED
Pet Grooming Services	-	-	-	-	L	P	P	P	P	P	-	-	LIMITED
Place of Private Assembly	-	-	-	S	S	L	P	P	P	P	P	P	SUP
Place of Public Assembly	-	-	L	L	L	P	P	P	P	P	P	P	LIMITED
Private Club	-	-	-	S	S	-	P	P	P	P	P	-	SUP
Professional Services, Instruction or Counseling	-	-	-	L	L	P	P	P	P	P	P	P	LIMITED
Public Safety Facility	-	-	-	P	P	-	P	P	P	P	P	P	
Recreation Indoor	-	-	L	L	L	-	P	P	P	P	P	P	LIMITED
Recreation Outdoor	-	-	L	L	L	L	P	P	P	P	P	P	LIMITED
Recycling Collection Center	-	-	-	L	L	-	L	L	-	L	P	P	LIMITED
Restaurant, Drive-In/Through	-	-	-	-	-	-	-	L	-	P	P	P	LIMITED
Restaurant, No Drive-In/Through	-	-	-	L	L	P	P	P	P	P	P	P	LIMITED
Retail — Big Box	-	-	-	-	-	-	L	L	-	L	L	L	LIMITED
Retail — Commercial	-	-	-	-	P	P	P	P	P	P	P	P	
RV Park	-	-	-	-	-	-	-	L	-	L	-	-	LIMITED
School: Private	-	-	L	L	L	L	P	P	P	P	-	-	LIMITED
Self Storage	-	-	-	L	-	-	-	P	L	-	P	P	LIMITED
Short Term Rental Residential Dwelling	-	P	P	P	P	L	P	P	P	P	-	-	
Substance Abuse Facility	-	-	-	-	-	-	-	S	S	-	-	-	SUP
Vehicle Wash	-	-	-	-	-	-	P	P	P	P	P	P	
Vending Kiosk/ATM	-	-	-	L	L	-	L	L	L	L	P	P	LIMITED
Veterinarian, Small Animal	-	-	-	-	-	-	P	P	P	P	P	P	
Wholesale	-	-	-	-	-	-	-	L	L	P	P	P	LIMITED
Industrial Land Use													
Automotive Wrecking and Salvage Yard; Junkyard;	-	-	-	-	-	-	-	-	-	-	P	P	
Heavy Industry	-	-	-	-	-	-	-	-	-	-	-	L	LIMITED
Light Industry	-	-	-	-	-	L	-	-	-	-	L	L	LIMITED

Mining/Extraction	-	-	-	-	-	-	-	-	-	-	P	P	
Research and Testing Laboratory	-	-	-	-	-	-	-	P	P	P	P	P	
Parking and/or Multimodal Transportation Facility	-	-	-	-	-	L	-	P	P	P	P	P	
Power Generation	-	-	-	-	-	-	-	-	-	-	P	P	
Public Utility Facility, Neighborhood	-	-	P	P	P	-	P	P	P	P	P	P	
Uses involving Radio Active Material, not including uses related to diagnosis and treatment of illness; and, construction applications; and, academia and scientific research	-	-	-	-	-	-	-	-	-	-	-	S	
Public/Private Land Uses													
Airport	-	-	-	-	-	-	-	-	-	-	P	-	
Cemetery	-	-	S	S	S	-	S	S	S	S	S	S	SUP
Heliport	-	-	-	-	-	-	-	-	-	-	-	P	LIMITED
Helistop	-	-	-	-	-	-	-	L	-	L	L	P	LIMITED
Marina	-	-	S	S	-	-	P	P	P	P	P	P	SUP
Public Utility Plant	-	-	S	S	S	-	-	P	P	P	P	P	SUP
Rail Yard	-	-	-	-	-	-	-	-	-	-	P	P	
Port and Harbor Facilities	-	-	-	-	-	-	-	-	-	P	P	P	
Wireless Telecommunication Facility	-	-	S	S	S	S	S	S	S	S	S	P	SUP

(Ord. No. 15-019, § 2, 3-5-15)

A. Specific Prohibitions. The following uses are specifically prohibited in all zoning districts:

1. All uses that are prohibited by local ordinance, or require the use or sale of materials that are prohibited by local ordinance.
2. Wireless Telecommunication Facilities and Towers between Broadway and Harborside Drive, from 27th Street to 51st Street.
3. All uses that are prohibited by state law or require the use or sale of materials that are prohibited by state law.
4. Intensive agriculture as defined by Article 14 Definitions.
5. Uses involving radioactive (nuclear) materials and waste, including disposal facilities and decommissioning services require a Specific Use Permit. (Land uses related to diagnosis and treatment of illness; and construction application; and academia and scientific research are excluded from this provision).

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.202 - PROHIBITED USES IN ALL ZONING DISTRICTS

A. Specific Prohibitions. The following uses are specifically prohibited in all zoning districts:

1. All uses that are prohibited by local ordinance, or require the use or sale of materials that are prohibited by local ordinance.
2. Wireless Telecommunication Facilities and Towers between Broadway and Harborside Drive, from 27th Street to 51st Street.

3. All uses that are prohibited by state law or require the use or sale of materials that are prohibited by state law.
4. Intensive agriculture as defined by Article 14 Definitions.
5. Uses involving radioactive (nuclear) materials and waste, including disposal facilities and decommissioning services require a Specific Use Permit. (Land uses related to diagnosis and treatment of illness; and construction application; and academia and scientific research are excluded from this provision).

(Ord. No. 15-019, § 2, 3-5-15)

Division 2.300 - Standards for Limited and Specific Uses

Certain uses may be allowed in various zoning districts, subject to certain standards or conditions. This Division contains those standards. Compliance with these standards is in addition to any other applicable standards of these regulations or other applicable city ordinances or regulations.

SEC. 2.301 - APPLICATION OF LIMITED USE STANDARDS

The standards apply to uses that are listed as "limited" ("L") uses in the Permitted Use Table. Where a use is listed as limited in one or more zoning districts, the use shall be allowed if it meets all of the standards for the particular use specified in this Division.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.302 - APPLICATION OF SPECIFIC USE STANDARDS

The standards establish minimum requirements for uses that are listed as "specific use" ("S") uses in the Permitted Use Table. Where a use is classified as specific use in one or more zoning district, the Planning Commission may recommend and Council may adopt, additional conditions that would make the use appropriate at the requested location, or it may deny the specific use request.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.303 - ACCESSORY DWELLING UNIT (ADU)

A. **Limited Use Standards.**

1. **Principal Structure Required.** An accessory dwelling unit (ADU) is allowed only on a lot with a principal building. A manufactured home, recreational vehicle, travel trailer or camper shall not be used as an accessory dwelling unit. An accessory dwelling unit shall be of similar construction materials as the principle building.
2. **Extent and Scale of Use.**
 - a. In the R-0, R-1, HZD District, no lot or parcel shall contain more than one accessory dwelling unit. In the R-2 District, no lot or parcel shall contain more than two accessory dwelling units.
 - b. An accessory dwelling unit shall be subordinate to the principal structure and shall not exceed the total floor area of the principal building.
3. **Allowable Employees of Home-Based Business.** Where a principal residential use also involves an accessory "home business" or "cottage industry" use, the occupants of an accessory dwelling unit on the same lot or parcel may be employed by and count toward the number of non-resident employees the home-based business is allowed to have under these regulations.
4. **Consistent Design.** Where a principal residential is expanded to accommodate an integrated or attached accessory dwelling unit, the expansion shall be designed, clad, painted and roofed in a manner that is comparable to the principal building.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.304 - ADULT DAY CARE

A. **Limited Use Standards.**

1. **Hours of Operation.** The use shall not operate between the hours of 10:00 PM and 7:00 AM.
2. **Non-Resident Employees.** The use shall not employ more than two persons who do not live on the premises.
3. **Combination with Place of Public Assembly.** Adult day care is allowed as a part of a place of public assembly use.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.305 - AGRICULTURAL SUPPORT

A. **Limited Use Standards.**

1. **Use Limitation.** Large animal or livestock veterinarian uses permitted.
2. **No Vehicle Service.** When the site is located adjacent to a residential use or zoning district, no accessory vehicle service activity shall occur on the site.
3. **Truck Access.** The use shall be located such that associated truck traffic can access a collector or arterial roadway without traveling on public right-of-way adjacent to any residential property, school or public park or recreational area or facility.
4. **Minimum Setback.**
 - a. Loading and Service Areas: 25 feet from any residential property line or zoning district boundary.
 - b. Outdoor Merchandise Display/Sales and Other Outdoor Storage: 25 feet from any residential property line or zoning district boundary.
 - c. LP/Propane Gas or Ammonia Storage Tanks: 150 feet from any property line.
5. **Screening.**
 - a. Residential: When the site is located adjacent to a residential use or residential zoning district boundary, visual screening shall be provided along all common sides and rear property lines. The screening shall consist of a landscaping strip at least four feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.
 - b. Outdoor Storage: Any outdoor storage areas visible from a public right-of-way shall be enclosed by a solid masonry or concrete wall or a wood fence of sufficient height such that no stored materials or merchandise are visible above the top of the screening wall or fence from a public right-of-way.
 - c. Dust Mitigation: Appropriate dust suppression measures shall be taken, such as containment or covering, when the outdoor storage involves materials likely to generate wind-blown dust that may affect adjacent properties.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.306 - AUTO SERVICE/FUELING OR CHARGING STATION

A. **Limited Use Standards.**

1. **Truck Access.** The use shall be located so associated truck traffic can access a collector, arterial, or highway without traveling on a public right-of-way adjacent to any residential property, school, public park, or recreational area or facility.
2. **Minimum Distance from Residential.** The use shall be located a minimum of 200 feet from any residential use or residential zoning district boundary, measured as a radius from property lines of the limited use.
3. **Charging Station near Residential.** The use, may be located within 200 feet of the property line of a residential use or a residential zoning district boundary.
4. **Auto Service Orientation of Service Bays.** Vehicle service bays shall be oriented away from any adjacent residential use or residential zoning district boundary.
5. **Design of Use near Residential.** The use shall be conducted within a fully enclosed building so as not to be visible from the adjacent residential use or residential zoning district, although activities may be conducted in partially enclosed or open areas elsewhere on the site.
6. **Screening.**
 - a. **Residential Screening:** When the site is located adjacent to a residential use or residential zoning district boundary, visual screening shall be provided along all common sides and rear property lines. The screening shall consist of a landscaping strip at least four feet in width that provides a year-round visual barrier and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.
 - b. **Outdoor Vehicle Service and Storage Areas:** Any outdoor areas used for vehicle service activity or temporary storage of vehicles undergoing service shall be screened so as not to be visible from abutting public street right-of-ways.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.307 - BAR

A. **Limited Use Standards.**

1. **Proof of Permitting.** The applicant shall provide proof of application for any permits required by State law at the time of application for limited use approval, and shall provide proof of issuance of any required permits before commencing operations.
 2. **On-Site Security.** The use shall provide on-site security Thursday through Saturday, from 9:00 PM through close of business. The security personnel shall be responsible for directing patrons away from the use and disseminating any on-site gatherings upon the close of business.
 3. **Noise Limitation.** All on-site activities and events shall comply with City noise regulations. The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
Additionally, any outdoor speakers shall be oriented toward the interior of the site and away from property lines and shall not be used after 12:00 AM except to provide emergency notifications. No outdoor speakers shall be used when the use is located within 200 feet from an R-0, R-1, R-2, HZD, or UN district boundary measured as a radius from property lines of the limited use, unless separated from the district by an arterial street.
 - a. **Limitation on Amplified Sound:** Amplification of music or voices shall not occur after 12:00 AM on Sunday through Thursday or after 1:30 AM on Friday and Saturday.
 - b. **Containment of Interior Noise:** All exterior doors for the use shall remain closed after 12:00 AM or during any amplification of music or voices.
 4. **No Nuisance Created.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
- B. **Specific Use Permit in Urban Neighborhood Districts.** The use shall require all regulations of subsection 2.307.A.
- C. **Hours of Operation near Residential Districts.** When located within 200 feet from an R-0, R- 1, or R-2 measured as a radius from property lines of the limited use, unless separated from the district by an arterial street, the use shall not operate after 12:00 AM.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.308 - BED AND BREAKFAST

A. **Limited Use Standards.**

1. **Concentration of Use.** No more than one bed and breakfast use shall be permitted within each block. Additionally, no more than two such uses shall be permitted at an intersection of two or more streets.
2. **Management — On site.** The Bed and Breakfast use must have full-time on-site management, either owner or employee.
3. **Operation within Principal Structure.** The bed and breakfast use shall be operated within one principal structure. If the principal structure is located on a standard city lot or historically platted lot, a secondary structure on the property may be used as additional guest bedrooms, or as the living quarters of the resident owner; however, the secondary structure may not be used as the sole bed and breakfast establishment.
4. **Number of Guest Rooms.** No more than nine guest bedrooms shall be permitted within a bed and breakfast establishment.
5. **Special Events.** Weddings, receptions, luncheons, cocktail parties, group tours, or any other such function for which the owner receives payment for the use of the facility, and which is not a function for the personal use of the owner, their friends or relatives is a permitted use.
6. **Signage.** The following signage standards shall apply in residential zoning districts:
 - a. Signs are not to exceed 22 inches by 33 inches and may include the name of the establishment, logo, date of establishment, and designation as a "Bed and Breakfast" establishment.
 - b. The signage shall be attached either to the structure, fence surrounding the structure, sign post or private lamp post.
 - c. The overall height of the entire sign, including the signpost, shall not exceed five feet.
 - d. The signage shall be compatible with the style and detailing of the house
 - e. Illumination of the sign, in any manner, shall be prohibited.

- f. All signage for property located in a historic district shall comply with applicable standards in Article 10, Overlay District Standards, of these regulations.
- g. Excluding historic districts, signs may be permitted in zoning districts as set forth in Article 5, Signs, of these regulations.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.309 - BOARDING HOUSE, DORMITORY, FRATERNITY OR SORORITY

A. **Limited Use Standards.**

- 1. **Occupancy.** Buildings shall be designed and furnished such that there are not more than eight residents occupying the assigned living areas per floor, whether the living areas are occupied by one individual or shared.
- 2. **Corner Location in UN District.** The use shall be operated on a corner lot.
- 3. **Internal Access.** Ingress to and egress from all assigned living areas shall be made through the interior of the building rather than from direct outside entrances to each unit

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.310 - CHILD CARE FACILITY — DAY CARE CENTERS (COMMERCIAL)

A. **Limited Use Standards.**

- 1. **Proof of Licensing.** The applicant shall provide proof of application for any licenses required by the State of Texas at the time of application for limited use approval, and shall provide proof of issuance of any required licenses before commencing operations.
- 2. **A Child Care Facility — Day Care** use is a permitted use on properties with frontage on north-south oriented streets located between Harborside and Seawall Boulevard.
- 3. **Pick-up/Drop-off.** An off-street pick-up/drop-off area for at least one automobile shall be provided, which may be a driveway provided it is kept free of parked vehicles and other obstructions to leave sufficient space for direct access.
- 4. **Residential Character.** If operated within a pre-existing residential type structure, the use shall maintain the residential character and appearance of the structure.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.311 - CHILD-CARE FACILITY — (RESIDENTIAL)

A. **Limited Use Standards.**

- 1. **Proof of Licensing.** The applicant shall provide proof of application for any licenses required by the State of Texas at the time of application for limited use approval, and shall provide proof of issuance of any required licenses before commencing operations.
- 2. **Dwelling Type.** The use shall be located in a single-family detached dwelling unit.
- 3. **Residential Character,** if operated within a pre-existing dwelling, the use shall maintain the residential character and appearance of the structure.
- 4. **Extent of Same Use in Area.** No more than one instance of the use shall occur on the same block face or among the all lots on a cul-de-sac.
- 5. **Resident Operator.** The principal operator and care provider shall live in the dwelling.
- 6. **Non-Resident Employee.** The use may employ up to one person who does not live in the dwelling unit.
- 7. **Occupancy Limit.** The use shall provide care for not more than six children on the premises at any one time.
- 8. **Hours of Operation.** The use shall not operate between the hours of 8:00 PM and 6:00 AM, and shall not provide for overnight stays by those receiving care. Additionally, no outdoor play activities shall occur before 9:00 AM if the site abuts a residential use.
- 9. **No Signage.** No signage is permitted.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.312 - CLEANING/LAUNDRY PICK-UP STATION

A. **Limited Use Standards.**

- 1. **Scale of Use.** The floor area of the use shall not exceed 2,500 square feet.
- 2. **Hours of Operation near Residential.** When abutting or within 200 feet of a residential use or an R-0, R-1 or R-2 zoning district boundary, measured as a radius from property lines of the limited use, the use shall not operate or have any loading or delivery activities between the hours of 10:00 PM and 7:00 AM.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.313 - CLEANING/LAUNDRY-MAT SELF-SERVICE

A. **Limited Use Standards.**

- 1. **Scale of Use.** The floor area of the use shall not exceed 2,500 square feet.
- 2. **Hours of Operation near Residential.** When abutting or within 200 feet of a residential use or an R-0, R-1, R-2, HZD zoning district boundary, measured as a radius from property lines of the limited use, the use shall not operate between the hours of 10:00 PM and 7:00 AM.
- 3. **No Nuisance Created.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
- 4. **Design Standards.** The use must comply with the UN zoning district design standards.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.314 - CLINICS/MEDICAL LAB/MEDICAL OFFICE

A. **Limited Use Standards.**

- 1. **Accessory Laboratory Activity.** Laboratory activity shall occur only as an accessory use to a principal clinic or medical office use.
- 2. **Scale of Use.** The floor area of the use shall not exceed 2,500 square feet.
- 3. **Hours of Operation.** The use shall not operate between the hours of 8:00 PM and 8:00 AM, and shall not provide for overnight stays by those receiving care.

4. **Residential Character in UN District.** In the UN district, if operated within a pre-existing dwelling, the use shall maintain the residential character and appearance of the structure.
5. **Design Standards.** In the UN District, the use must comply with urban design standards established in the UN District.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.315 - COMMERCIAL AMUSEMENT/RECREATION, INDOOR

A. **Limited Use Standards.**

1. **Hours of Operation near Residential.** The use, if within 200 feet of the property line of a residential use, a mixed-use development that includes residential use, or a residential zoning district boundary, measured as a radius from property lines of the limited use, shall not operate between the hours of 12:00 AM and 8:00 AM.
2. **Residential Screening.** When the site is located adjacent to a residential use or zoning district boundary, visual screening shall be provided along all common side and rear property lines. The screening shall consist of a landscaping strip at least four feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.
3. **No Nuisance Created.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.316 - COMMERCIAL AMUSEMENT/RECREATION, OUTDOOR

A. **Limited Use Standards.**

1. **Use Limitations.** Outdoor shooting ranges for firearms shall not be permitted. Drive-in theaters, golf driving ranges, and go cart tracks shall not be permitted in the CB and UN districts.
2. **Hours of Operation near Residential.** The use, if within 200 feet of the property line of a residential use, a mixed-use development that includes residential use, or a residential zoning district boundary, measured as a radius from property lines of the limited use, shall not operate between the hours of 12:00 AM and 8:00 AM.
3. **Noise Limitation.** All on-site activities and events shall comply with the City's noise regulations. Additionally, any outdoor speakers shall be oriented toward the interior of the site and away from property lines.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.317 - COMMUNITY GARDEN

A. **Limited Use Standards.**

1. Community Gardens shall not be located on park land currently used for active or passive recreation, or where there exist immediate plans to develop parkland for active or passive recreation.
2. Community Gardens shall not be located on designated or dedicated open space land without approval from the City Council. Exceptions may be granted for open space land that does not contain sensitive habitat and is not contiguous to open space land with sensitive habitat.
3. Community Gardens shall be located in areas that receive adequate sunlight for the intended purpose without the removal or excessive trimming of trees.

B. **Design Standards.**

1. The on-site sale of produce grown on-site is permitted.
2. The site shall be designed and maintained so that water and fertilizer will not drain to adjacent property.
3. A minimum 3-foot-wide, clearly marked entrance path shall be provided from the public right-of-way to the garden.
4. Community Gardens shall be located on land that is level enough to support the intended use and meet all Americans with Disabilities Act requirements without the use of retaining walls that exceed three feet (3') in height.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.318 - CORRECTIONAL OR REHABILITATION FACILITY

A. **Specific Use Standards.** The following minimum standards apply for a correctional or rehabilitation facility. The Planning Commission/City Council may impose additional conditions to make the use compatible with adjacent development.

1. **Hours of Visitation.** Visits to residents of the facility by non-residents shall not occur between the hours of 10:00 PM and 8:00 AM.
2. **Minimum Distance from Same Use.** The use shall be located at least one-half mile from an existing location of the same use, measured as a radius from property lines of the limited use facility.
3. **Minimum Distance from Residential.**
 - a. From Existing Residential Dwellings: 200 feet from any residential dwelling in existence at the time a specific use permit is approved, measured as a radius from property lines of the limited use facility.
 - b. From Residential Districts: 200 feet from any residential zoning district boundary, measured as a radius from property lines of the facility.
4. **Minimum Distance from Certain Locations.** The use shall be located at least 200 feet from a school or public park, measured as a radius from property lines of the limited use.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.319 - CREDIT ACCESS BUSINESS

A. **Limited Use Standards.**

1. **Minimum Scale of Use.** The floor area of the use shall be at least 2,500 square feet.
2. **Minimum Distance from Same Use.** The use shall be located at least one-half mile from an existing location of the same use, measured as a radius from property lines of the limited use.
3. **Minimum Distance from Residential District.** The use shall be located at least 200 feet from a residential zoning district boundary, measured as a radius from property lines of the limited use, unless separated from the district by an arterial street.

4. **Minimum Distance from Sexually Oriented Business.** The use shall be located at least one-half mile from a sexually oriented business, measured as a radius from property lines of the limited use.
5. **Proof of Permitting.** For a credit access business, a person must submit an application on a form provided for that purpose to the director of development services. The application must contain the following:
 - a. The name, street address, mailing address, facsimile number, and telephone number of the applicant;
 - b. The business or trade name, street address, mailing address, facsimile number, and telephone number of the credit access business;
 - c. The names, street addresses, mailing addresses, and telephone numbers of all owners of the credit access business, and the nature and extent of each person's interest in the credit access business; and
 - d. A copy of a current, valid state license held by the credit access business pursuant to Chapter 393, Subchapter G of the Texas Finance Code.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.320 - FLEA MARKET

A. **Limited Use Standards.**

1. **Hours of Operation near Residential.**
 - a. Except in the CB district, the use, if within 200 feet of a residential use or a residential zoning district boundary, measured as a radius from property lines of the limited use, shall not operate between the hours of 9:00 PM and 9:00 AM.
 - b. Hours of Operation if Outdoor. The limitation on hours of operation above shall be between the hours of 7:00 PM and 9:00 AM for an outdoor flea market.
2. **Minimum Distance from Same Use.** One-half mile from an existing location of the same use.
3. **Minimum Setback.** All Outdoor Flea Market Operations: 50 feet from all property lines.
4. **Noise Limitation.** All outdoor flea market operations shall comply with the City's noise regulations. Additionally, any outdoor speakers shall be oriented toward the interior of the site and away from property lines.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.321 - GUN SHOP

A. **Limited Use Standards.**

1. **Proof of Permitting.** The applicant shall provide proof of application for any permits required by the State of Texas or the Federal government at the time of application for limited use approval, and shall provide proof of issuance of any required licenses before commencing operations.
2. **Use Limitation.** Outdoor shooting ranges are prohibited.
3. **Minimum Distance from Certain Locations.** The use shall be located at least 200 feet from a school, public park or place of worship, measured as a radius from property lines of the limited use.
4. **Scale of Use.** In the C, CB, REC/RES districts, a gun shop with an indoor firing range shall be developed on a tractor lot with a minimum area of 20,000 square feet.
5. **Noise Limitation.** Outdoor noise levels shall be maintained at the same noise decibel existing prior to the development of a firing range.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.322 - HEAVY INDUSTRY

A. **Limited Use Standards.**

1. **Truck Access.** The use shall be located such that associated truck traffic can access a collector or arterial roadway or highway without traveling on public right-of-way adjacent to any residential property, school or public park or recreational area or facility.
2. **Minimum Distance from Residential.** The use shall be located at least 200 feet from any residential use or residential zoning district boundary, measured as a radius from property lines of the limited use.
3. **No Nuisance Created.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
4. **Use Limitation.** LI uses located in the HI district shall meet Heavy Industry Limited Use Standards.
5. **Commercial Composting.** Commercial composting is prohibited.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.323 - HEAVY VEHICLE, MANUFACTURED HOME SALES WATERCRAFT, OR AIRCRAFT SALES OR RENTAL

A. **Limited Use Standards.**

1. **Hours of Operation near Residential.** When abutting or within 200 feet of a residential use or zoning district boundary, measured as a radius from property lines of the limited use, the use shall not have any outdoor sales or loading or delivery activities between the hours of 10:00 PM and 7:00 AM.
2. **Truck and Trailer Access.** The use shall be located such that associated truck and trailer traffic can access an arterial roadway without traveling on public right-of-way adjacent to any residential property, school, public park, and recreational area.
3. **Minimum Setbacks.**
 - a. Outdoor Display or Sales and Other Outdoor Storage: shall be located 25 feet from any residential property line or zoning district boundary.
 - b. Vehicle Wash Facilities. Accessory vehicle wash facilities and their incidental functions, including vacuums and air compressors, shall be set back at least 50 feet from the side or rear property line of any adjacent residential use or residential zoning district boundary.
4. **Orientation of Service Bays.** Any service or repair bays associated with the use shall be oriented away from adjacent public street rights-of-way or any adjacent residential use or residential zoning district boundary.
5. **Outdoor Vehicle Display.** Outdoor vehicle display shall occur only on paved areas of the site, and the displayed vehicles shall not occupy or obstruct required parking spaces.
6. **Elevated Vehicle Display.** No more than one outdoor elevated display vehicle shall be permitted, and the elevated display shall raise the vehicle no more than three feet off the ground.

7. **Vehicle Visibility.** Booms, derricks, grapple loaders, platforms and other auxiliary equipment or extensions on heavy vehicles shall be lowered as much as possible. No signs, banners or flags shall be hung on such auxiliary equipment or extensions.
8. **Noise Limitation.** All outdoor activities shall comply with the City's noise regulations. Additionally, any outdoor speakers shall be oriented toward the interior of the site and away from property lines, and shall not be operated after 9:00 PM except to provide emergency notifications.
9. **Residential Screening.** When the site is located adjacent to a residential use or zoning district boundary, visual screening shall be provided along all common side and rear property lines. The screening shall consist of a landscaping strip at least four feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.324 - HELISTOP

A. **Limited Use Standards.**

1. **Proof of Permitting.** The applicant shall provide proof of application for any permits required by the State of Texas or the Federal government at the time of application for limited use approval, and shall provide proof of issuance of any required licenses before commencing operations.
2. **Hours of Operation for Commercial Amusement Use.** When helicopter operations are conducted as a commercial amusement, such activity shall not occur between the hours of 10:00 PM and 9:00 AM.
3. **Minimum Distance from Same Commercial Amusement Use.** When helicopter operations are conducted as a commercial amusement, the use shall be located at least one-half mile from an existing location of the same use, measured as a radius from property lines of the limited use.
4. **Minimum Distance from Residential.** The use shall be located at least 200 feet from any residential use or residential zoning district boundary, measured as a radius from property lines of the limited use.
5. **Minimum Site Area.** The use shall occur on a site of at least one acre.
6. **Minimum Setback of Fuel Tanks.** Fuel storage tanks shall be located at least 150 feet from any property line.
7. **Screening.** When the site is visible from a residential use or residential zoning district boundary, visual screening shall be provided along all property lines with such visibility. The screening shall consist of a landscaping strip at least four feet in width that provides a year-round visual barrier up to five feet off the ground. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.325 - HOME BASED OCCUPATION/BUSINESS

A. **Limited Use Standards.**

1. **Use Limitation.** The use is limited to office or service businesses. The use shall not involve vehicle service or repair, a bed and breakfast, any type of Residential Child Care Facility or Day Care Child Care Facility.
2. **Required Permits.** The business shall be operated in accordance with all applicable laws and permitting requirements.
3. **Resident Ownership.** The home business shall be owned and managed by a person who resides in the dwelling unit or ADU.
4. **Non-Resident Employees.** The business may employ up to two persons who do not live in the dwelling unit.
5. **Maximum Floor Area.** The business activity shall not occupy more than 50 percent of the gross floor area of the principal residential building.
6. **Accessory Buildings.** Accessory buildings may be used for business operations or storage if built in a manner that is similar in style and materials to the principal structure.
7. **Maintain Residential Character.** No alteration shall be made to the dwelling to accommodate the home business that changes the dwelling's residential character and appearance.
8. **No Exterior Activity.** All business operations and any storage shall be indoors.
9. **Parking.** Commercial vehicles shall not be parked on the site other than those associated with the business and for the personal use of the owner.
10. **No On-Site Direct Sales.** No retail or wholesale sales activity is permitted, except for sales distributors who fill orders for catalog type products and then make deliveries to the customer location, as opposed to customers coming to the place of business.
11. **No Visible Merchandise Display.** No commercial display of merchandise or goods for sale shall be visible from the exterior of the dwelling unit.
12. **Limited Deliveries.** Parcel pickup/delivery services are permitted, but not bulk commercial deliveries from trucks.
13. **No Nuisance Created.** The home business shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.326 - HOME BASED OCCUPATION

A. **Limited Use Standards.**

1. **Maintain Residential Character.** The home based occupation must not alter the dwelling to accommodate the home business in any manner that changes the dwelling's residential character and appearance.
2. **Signage.** No signage or on-site advertising permitted.
3. **Non-Resident Employees.** Non-resident employees prohibited.
4. **Use Limitation.** Home based occupation may not receive customers and clients on-site. Silk Stocking and Lost Bayou neighborhoods are exempt from this provision.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.327 - HOMELESS SHELTER

A. **Limited Use Standards.**

1. **Minimum Distance from Same Use.** The use shall be located at least one-half mile from an existing location of the same use, measured as a radius from property lines of the limited use.

2. **Minimum Distance from Residential.** The use shall be located at least 200 feet from an R-0, R-1, R-2, or HZD district, measured as a radius from property lines of the limited use.
 3. **Maximum Distance from Services.** The use shall be located not more than one-quarter mile from social, public health, or employment services unless the shelter also provides transportation assistance or is located within one-quarter mile of a public transportation stop or transfer facility.
 4. **Residential Character.** If operated within a pre-existing residential dwelling, the use shall maintain the residential character and appearance of the structure.
- B. **Specific Use Standards.** The following minimum standards apply for a homeless shelter. The Planning Commission and City Council may impose additional conditions to make the use compatible with adjacent development and protect the public health, safety, and general welfare of the public. (Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.328 - HOSPITAL HOUSE ESTABLISHMENT

A. **Limited Use Standards.**

1. **Residential Structure.** The use shall be located within a residential structure.
2. **On-Site Management.** A resident manager shall live on the site, or the use shall be staffed with 24-hour on-site management.
3. **Occupancy Limit in UN District.** In the UN district, the use shall not provide for overnight occupancy by more than 12 guests.
4. **Parking Area Screening.** All off-street parking areas for this use with more than five parking spaces shall meet the perimeter screening requirements in Article 9, Landscaping.
5. **Signage Limits.** No signage shall be permitted where the use is in a Historic (H) overlay district. Signs may be permitted elsewhere in accordance with Article 5, Signs.
6. **Sanitary Conditions.** The manager shall provide clean linens and towels as necessary, adequate heating, ventilation and lighting, adequate hot and cold water, adequate sewage disposal, and maintain the outside area in a clean and sanitary manner.
7. **Fire Safety Standards.** The use shall comply with all requirements of the City of Galveston Fire Marshal regarding installation of fire detection or fire suppression measures, required fire inspections, or other requirements before the issuance of a certificate of occupancy.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.329 - KENNEL

A. **Limited Use Standards.**

1. **Minimum Distance from Residential.** Any building used for the boarding of animals shall be located at least 200 feet from any residential use or residential zoning district boundary, school, day care facility, or public park, other than a dog park, measured as a radius from property lines of the limited use.
2. **Sound-Proofing.** Where the site is located adjacent to a residential use or zoning district boundary, all buildings used for the care or boarding of animals shall be fully enclosed and sound-proofed so animal noises will not be audible from a property line.
3. **Hours for Outdoor Dog Runs and Animal Exercise Areas.** Where the site is located adjacent to a residential use or zoning district boundary, outdoor dog runs shall not be used, and no other outdoor animal exercise shall occur, between the hours of 9:00 PM and 8:00 AM.
4. **Front Yard Maintenance.** The front yard area shall not be used for animal exercise, and all yards shall be cleared daily of any animal waste.
5. **Screening of Outdoor Dog Runs and Animal Exercise Areas.** Any outdoor dog runs or animal exercise areas visible from a public right-of-way or adjacent residential use or zoning district boundary shall be enclosed by a solid masonry or concrete wall or a wood fence having a minimum height of five feet.
6. **No Nuisance Created.** The use shall not create or cause any perceptible noise or odors that constitute a public or private nuisance to neighboring properties.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.330 - LIGHT INDUSTRY

A. **Limited Use Standards.**

1. **Hours of Activities near Residential.** The use, if within 200 feet of the property line of a residential use, a mixed-use development that includes residential use, or a residential zoning district boundary, measured as a radius from property lines of the limited use, shall not operate any heavy industrial machinery or equipment between the hours of 9:00 PM and 8:00 AM.
2. **Minimum Distance from Residential.**
 - a. From Existing Residential Dwellings: 200 feet from any residential dwelling in existence at the time the use receives limited use approval, measured as a radius from property lines of the limited use.
 - b. From Residential Districts: 200 feet from any residential zoning district boundary, measured as a radius from property lines of the limited use.
3. **Access.** The site shall take access from a street classified as a collector, arterial or highway.
4. **Truck Access.** The use shall be located such that associated truck traffic can access a collector or arterial roadway or a highway without traveling on public right-of-way adjacent to any residential property, school or public park or recreational area or facility.
 - a. Loading and Service Areas: 25 feet from any residential property line or zoning district boundary.
 - b. Outdoor Storage: 25 feet from any residential property line or zoning district boundary.
5. **Noise Limitation.** All on-site activities shall comply with the City's noise regulations.
6. **Residential Screening.** When the site is located adjacent to a residential use or residential zoning district boundary, visual screening shall be provided along all common side and rear property lines. The screening shall consist of a landscaping strip at least four feet in width that provides a year-round visual barrier, and shall be positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.
7. **Materials Management.** Appropriate measures shall be taken to contain, cover or otherwise secure materials that are likely to generate wind-blown dust or debris that may affect adjacent properties.
8. **No Nuisance Created.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute

a public or private nuisance to neighboring properties.

9. **Use Limitation.** LI uses located in the HI district shall meet the Limited Use Standards established in the HI district.
10. **Historic Zoning District.** Limited use on property known as 1202 and 1208 Postoffice/Avenue E and legally described as Lots 8 and 9, Block 492, in the City of Galveston only. Section A.1., A.2., and A.3. shall not apply to this subsection. The "Light Industry" land use allowed by this subsection shall be restricted to Food and Beverage production.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.331 - LIVE-WORK UNIT

A. Limited Use Standards.

1. **Use Limitation.** The nonresidential portion of a live-work unit may be only a commercial retail, office, personal services, or professional services and counseling activity as defined in these regulations.
2. **Scale of Nonresidential Use.** The floor area of the nonresidential portion of the use shall not exceed 2,500 square feet.
3. **Historic Corner Store Structures.** If located within an existing traditional corner store historic structure the floor area of the nonresidential portion of the structure shall not exceed 5,500 square feet.
4. **Hours of Operation for Nonresidential Use.** The nonresidential portion of the use shall not operate between the hours of 9:00 PM and 8:00 AM.
5. **Minimum Distance from Single-Family Residential District.** The use shall be located at least 200 feet from an R-1 district boundary, measured as a radius from property lines of the limited use, unless separated from the district by an arterial street.
6. **Corner Location.**
 - a. Commercial Retail. The use shall be located on a corner lot if the nonresidential portion of the use involves a commercial retail activity.
 - b. Multiple Units. Multiple live-work units may be located on a block face only if developed as a contiguous group, with one unit located on a corner lot, and with no more than five units in the group.
7. **No Drive-Through Activity in UN District.** In the UN district, the use shall not include a drive-through component.
8. **Residential Character.** If located within a pre-existing dwelling that was converted to a live-work unit, the use shall maintain the residential character and appearance of the structure.
9. **Use Limitation.** The business owner and the residents' occupant in the residential portion of the live-work unit must be the same person.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.332 - MULTI-FAMILY RESIDENTIAL

A. **Limited Use Standards.** The closest property line of the MF use may not be located closer than 300 feet to an R-1 district boundary, unless separated from such district by an arterial street right-of-way or an intervening use.

1. **Applicability.** Maximum of eight units within R-2 and UN Districts.
2. **Minimum Setback.** The closest property line of the use may not be located closer than 300 feet to an R-1 or R-0 district boundary, unless separated from such district by an arterial street, a right-of-way, or an intervening use. For infill, redevelopment, rehabilitation projects or new buildings in a developing site the setbacks shall match the established adjacent building setbacks.
3. **Accessory Structures.** When any portion of a building or structure is located adjacent to property used or zoned for lower-density residential, the accessory structures of the use, including garages and recreational facilities, shall be set back at least 10 feet from the adjacent property and the landowner shall provide a buffer between the structure and adjacent property. Visual screening shall be provided along all property lines. The screening shall consist of a landscaping strip at least four feet in width that provides a year-round visual barrier up to 5 feet off the ground. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip. Accessory buildings that are structurally attached to a principal building shall conform to all standards that apply to the principal building.
4. **Fence.** The use shall have a decorative, wrought iron fence no more than 3 feet high in combination with landscaping planted so as to achieve full opaque screening at maturity.
5. **Setbacks.** Building setbacks shall create a uniformed setback along a public street. The front setback shall not be less than the average setback along the same and facing block faces.
6. **Sidewalks.** The design and location of sidewalks in a MF development shall encourage pedestrian circulation. All on-site sidewalks shall be a minimum of width of 5 feet. Sidewalks adjacent to a parking area, where cars may overhang the walkway, shall be a minimum width of 7 feet. Connections between the on-site pedestrian walkway network and any public sidewalk system shall be provided at regular intervals along the perimeter street.
7. **Street Trees.** Street trees are required to be planted and maintained along all streets and roadways. Street trees shall provide both a continuous, shaded environment along roadways and a physical and visual barrier between a pedestrian on the sidewalk and vehicles on the roadway.
 - a. Alleys and service drives shall not be considered streets or roadways for the purposes of this standard.
 - b. Spacing of street trees shall be a minimum of 15 feet and a maximum of 25 feet for the full length of all streets and roadways and shall be from among tree species on a City approved plant list; the Director of Public Works may modify the spacing to account for the mature size of trees and site features such as infrastructure and utilities.
 - c. Street trees shall be planted within the right-of-way of all streets, access ways, and roadways, excluding thoroughfares, alleys, and service drives. If not allowed within a thoroughfare right-of-way, street trees shall be planted on the private lots along the thoroughfare right-of-way.
 - d. Street trees shall be planted at least 3 feet from any curb or sidewalk.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.333 - NURSERY WHOLESALE

A. **Hours of Operation.** A Wholesale Nursery or Greenhouse when abutting a residential use or a residential zoning district boundary, shall not operate between the hours of 9:00 PM and 7:00 AM.

B. **Minimum Setback.**

1. Loading and Service Areas: 25 feet from any residential property line or zoning district boundary.
 2. Outdoor Merchandise Display/Sales and Other Outdoor Storage: 25 feet from any residential property line or zoning district boundary.
- C. **Residential Screening.** When the site is located adjacent to a residential use or zoning district boundary, visual screening shall be provided along all common side and rear property lines. The opaque screening shall consist of a landscaping strip at least four feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.
- D. **Materials Management.** Appropriate measures shall be taken to contain, cover or otherwise secure materials that are likely to generate wind-blown dust or debris that may affect adjacent properties, including bulk mulch, sand, soil, fill, rock and similar materials.
- E. **Fencing.** Chain link fence, if used on the site, shall not be not visible from any property line.
(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.334 - NURSING/CONVALESCENT HOME

A. **Limited Use Standards.**

1. Existing Structures in the UN district. In UN, the use shall be permitted only in existing structures.
2. Occupancy Limit in UN District. In the UN district, the use shall not provide full-time overnight care for more than 16 residents.
3. Internal Access in UN District. In the UN district, ingress to and egress from all resident rooms or living areas shall be made through the interior of the building rather than from direct outside entrances to each such room or living area.
4. Parking Area Screening in UN and MF Districts. In the UN and MF districts, all off-street parking areas for this use with more than five parking spaces shall meet the perimeter screening requirements in [Article 10](#), Landscaping.

B. **Specific Use Standards.** Nursing/Convalescent Home shall require a Specific Use Permit as set out in the Permitted Use Table.

C. **Combination with Place of Public Assembly.** Nursing and convalescent homes are allowed as part of a development that includes a place of public assembly.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.335 - BAIL BOND OFFICE

A. **Limited Use Standards.**

1. Structures located on Seawall Boulevard with frontage on Seawall Boulevard. Bail Bond use shall be permitted only in existing structures.
2. Scale of Use in UN District. In the UN district, the floor area of the Bail Bond use shall not exceed 2,500 square feet.
3. Minimum Distance from Single-Family Residential in UN District. In the UN district, the Bail Bond use shall be located at least 200 feet from an R-1 or R-2 district boundary, measured as a radius from property lines of the limited use, unless separated from the district by an arterial street.
4. Residential Screening in UN District. In the UN district, when the Bail Bond use is located adjacent to a residential use or residential zoning district boundary, visual screening shall be provided along all common side and rear property lines. The screening shall consist of a landscaping strip at least four feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.336 - PARKING LOT, COMMERCIAL SURFACE PARKING AREA

A. **Limited Use Standards.**

1. **Commercial Surface Parking Lots.**
 - a. 7' wide perimeter landscaping.
 - b. 1 tree every 25 linear feet of parking lot frontage, 2" caliper truck, 14' height.
 - c. 10' wide sidewalk along public rights-of-way.
2. **Interior Landscaping.**
 - a. 1 canopy tree for every 8 parking spaces, 2" caliper truck, 14' height.
 - b. 150 sq. ft. of planting area for each canopy tree.
 - c. 8' wide interior landscape medians, filled with groundcover grasses and 3' high shrubs.
 - d. 2' wide overhang zone with groundcover.
 - e. 8' wide planting beds/ with trees required at both ends of parking rows.
 - f. 8' wide planting strip required every other interior row.
3. **Storm Water Quality Discharge.** Collection and discharge points shall be in sedimentation basins in parking row medians, elevated catch basins, filter fabric, gravel filter, retention ponding, inlets (spaced as appropriate), and piping connected to on-site storm water system.
4. **Parking area construction materials required.**
 - a. Concrete or asphalt.
5. **Design of Entries/Access.** Parking lot layout, access, and markings shall be designed in accordance with *ITE Traffic Engineering Handbook, 6th Edition*.
6. **Fencing.** Shall be a solid screen and constructed of masonry or wood.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.337 - PARKING STRUCTURE INCIDENTAL TO MIXED USE OR MAIN USE STRUCTURE

A. **Limited Use Standards.**

1. **General Design.** Structures shall comply with the following design Standards:
 - a. Blank, flat unarticulated walls are prohibited. Parking structures shall be visually similar in character and scale to adjacent buildings;
 - b. Except on sides abutting an alley, all floors above the ground floor of the parking structure shall have architecturally articulated façades designed to screen the view of parked cars;

- c. The amount of street frontage devoted to a parking structure shall be minimized by placing its shortest dimension(s) along the street edge; and
 - d. Lighting within parking structures shall be directed inward to minimize light pollution.
2. **Design of Entries/Access:**
- a. Vehicle entries to off-street parking structures shall be integrated into the placement and design of adjacent buildings or oriented away from the primary street frontage. At a minimum, parking structure facilities shall have user vehicle access from locations that minimize conflicts with pedestrian circulation.
 - b. Parking structures and adjacent sidewalks shall be designed so pedestrians are clearly visible to entering and exiting automobiles.
3. **Ground Floor Use and Design, Commercial.** A commercial parking structure that is integrated into a building containing primarily nonresidential uses shall be constructed at a depth to permit occupancy by any commercial use allowed in the district when 80 percent of the ground floor is adjacent to a public street(except an alley) or adjacent to a public open space/plaza. The ground-level façade of the structure up to and exceeding the first 19 vertical feet of the structure, shall include the following features:
- a. Façade articulation and modulation through changes in vertical wall plane and/or a change in building material;
 - b. Use of real windows with glazing that may be translucent, but shall not include black or mirrored glass or similar opaque glazing;
 - c. Integration of multiple building entrances.
 - d. Corner architectural elements shall be incorporated such as a corner entrance, signage, glazing, and/or visually exposed stairs when parking structures are located on street corners.
4. **Ground Floor Use and Design, Residential.** When a parking structure provides parking for residential uses or when the structure is integrated into a residential building, the applicant shall either:
- a. Follow the design standard for Commercial; or
 - b. Use the ground floor of the structure for parking, provided the ground-level façade of the structure (at least the first 12 vertical feet of the structure) includes at least two of the following features:
 - i. Façade articulation and modulation through changes in vertical wall plane and/or a change in building material;
 - ii. Use of real windows with glazing that may be translucent, but shall not include black or mirrored glass or similar opaque glazing;
 - iii. Use of false windows defined by frames or lintels and sills;
 - iv. Integration of multiple building entrances; and
 - v. Buffering of the street edge with landscaping, berms, or landscaped planters.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.338 - PASSENGER MOTOR VEHICLE SALES OR RENTAL

A. **Limited Use Standards.**

- 1. **Use Limitation in CB districts.** In the CB district, the use shall involve only vehicle rental and not vehicle sales.
- 2. **No On-Site Direct Sales.** Passenger Motor Vehicle Sales uses are prohibited on properties with frontage on Seawall Boulevard.
- 3. **Parking.** No new or expanded surface parking permitted for this use on properties with frontage on Seawall Boulevard.
- 4. **Minimum Setback.** Except in the CB district:
 - a. Outdoor Vehicle Display/Sales and Other Outdoor Storage: 25 feet from any residential property line or zoning district boundary.
 - b. Vehicle Wash Facilities. Accessory vehicle wash facilities and their incidental functions, including vacuums and air compressors, shall be set back at least 50 feet from the side or rear property line of any adjacent residential use or residential zoning district boundary.
- 5. **Interior Space Only in CB District.** In the CB district, all vehicle display and showroom areas shall be within an enclosed building.
- 6. **Orientation of Service Bays.** Except in the CB district, any service or repair bays associated with the use shall be oriented away from adjacent public street rights-of-way or any adjacent residential use or residential zoning district boundary.
- 7. **Outdoor Vehicle Display.** Outdoor vehicle display shall occur only on paved areas of the site, and the displayed vehicles shall not occupy or obstruct required parking spaces.
- 8. **Elevated Vehicle Display.** No more than one outdoor elevated display vehicle shall be permitted, and the elevated display shall raise the vehicle no more than three feet off the ground.
- 9. **Residential Screening.** Except in the CB district, when the site is located adjacent to a residential use or residential zoning district boundary, visual screening shall be provided along all common side and rear property lines. The screening shall consist of a solid landscaping strip at least four feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.
- 10. **Surface treatment.** All surfaces for vehicle travel or storage are to be treated with a dustless surface and an adequate system of storm drainage.
- 11. **Space Parameters.** Every space for a vehicle for sale shall measure 10 feet by 24 feet
- 12. **Sidewalks.** Sidewalks, curbs, and curb cuts shall be provided on all street frontages. All onsite sidewalks shall be a minimum of width of five feet.
- 13. **Property maintenance.** The property upon which any used car lot is located must be maintained in a neat and orderly manner with no accumulation of junk vehicles, tires, auto parts, garbage, refuse or debris on the property.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.339 - PERSONAL FITNESS OR MUSIC INSTRUCTION

A. **Limited Use Standards.**

- 1. **Scale of Use.** The floor area of this use shall not exceed 2,500 square feet.
- 2. **Occupancy in UN District.** In the UN district, the use shall not accommodate more than five customers, and not more than two non-resident employees, on the premises at any one time.

3. **Limited Activities in UN District.** In the UN district, the use shall not involve recitals, competitions or other assemblies that would bring multiple visitors to the site other than the customers who receive services or instruction on the premises.
3. **Hours of Operation near Residential.** The use, when abutting a residential use or residential zoning district boundary, shall not operate between the hours of 8:00 PM and 5:00 AM. Additionally, no outdoor activities shall occur before 9:00 AM if the site abuts a residential use.
4. **Residential Character in UN District.** In the UN district, if operated within a pre-existing dwelling, the use shall maintain the residential character and appearance of the structure.
5. **Sound-Proofing.** Where the use is located adjacent to a residential use or residential zoning district boundary, all buildings that will involve amplification of music or voices, voices shall be fully enclosed and sound-proofed to ensure compliance with the City's noise regulations at all common property lines. No outdoor speakers shall be used in association with any outdoor activities.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.340 - PET GROOMING AND SERVICES

A. **Limited Use Standards.**

1. **No Outdoor Activity.** The use shall be conducted within a fully enclosed building, and shall not include any outdoor dog runs or animal exercise areas.
2. **Sidewalk Maintenance.** The owner shall clear daily all public sidewalk area around the use of any animal waste resulting from regular patronage.
3. **Maintain Residential Character.** If operated within a pre-existing dwelling, the use shall maintain the residential character and appearance of the structure.
4. **Noise Limitation.** All on-site activities shall comply with City noise regulations. Where the site is located adjacent to a residential use, a mixed-use development that includes residential use, or a residential zoning district boundary.
5. **Sound-Proofing.** All buildings where animals will be accommodated shall be soundproofed such that no animal noises will be audible from a property line.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.341 - PLACE OF PRIVATE ASSEMBLY

A. **Limited Use Standards.**

1. **Parking.** Must meet parking standard of one space per 200 square feet of gross floor area
2. **Sound-Proofing.** Must comply City noise regulations or seek appropriate permit to exceed regulated noise levels.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.342 - PLACE OF PUBLIC ASSEMBLY

A. **Limited Use Standards.**

1. **Scale of Use.** The gross floor area of the use shall not exceed 2,500 square feet unless located on a corner site, in which case the gross floor area of the use shall not exceed 5,500 square feet.
2. **Hours for Outdoor Events near Residential.** The use, when abutting a residential use, shall not involve any outdoor events after 9:00 PM or before 8:00 AM.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.343 - PROFESSIONAL SERVICES OR COUNSELING

A. **Limited Use Standards.**

1. **Home-Based Occupation/Business.** The Professional Services or Counseling use may also be operated as a Home Based Business/Occupation, subject to the standards in Section 2.323.
2. **Hours of Operation near Residential.** The use, when abutting a residential use or residential zoning district boundary, shall not receive clients, customers or other visitors beyond the owner and employees between the hours of 10:00 PM and 8:00 AM.
3. **Scale of Use.** The floor area of the use shall not exceed 2,500 square feet.
4. **Occupancy in UN District.** In the UN district, the use shall not accommodate more than five clients, and not more than two non-resident employees, on the premises at any one time.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.344 - RECREATION, INDOOR

A. **Limited Use Standards.** The use provides recreation opportunities indoors for the public (open to the community) or residents of a subdivision or development, which are not commercial in nature. The use shall not include commercial exercise clubs or amusement uses and includes only:

1. Community recreation centers;
2. Gymnasiums;
3. Indoor swimming pools; or
4. Tennis, racquetball or handball courts.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.345 - RECREATION, OUTDOOR

A. **Limited Use Standards.** The use shall not allow for developments commercial in nature, except for golf courses and fishing piers. The use includes public areas for active or passive recreational activities including, but not limited to:

1. Jogging, cycling, tot-lots, playing fields, playgrounds, outdoor swimming pools and tennis courts;
2. Golf courses (regardless of ownership or membership);
3. Fishing piers;
4. Arboretums, wildlife sanctuaries and other natural areas that may be used for walking or hiking; or

5. Other passive recreation-oriented parks, including picnic areas, garden plots and beaches, and associated support activities such as bath houses and cabanas.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.346 - RECYCLING COLLECTION CENTER

A. **Limited Use Standards.**

1. **Use Limitation.** The use shall involve only sorting and temporary storage of the collected materials prior to transport off site, and not any on-site processing.
2. **Limitation on Household Hazardous Waste Collection.** No household hazardous waste or materials shall be collected, handled or stored at a collection center located in any district other than the LI and HI district. Except that such activity may occur as part of a temporary City-sponsored collection event after which all such collected materials shall be transported off site and not stored overnight at the site.
3. **On-Site Management.** The use shall have an on-site manager on duty at all times the facility is open. Suitable security measures and signage shall be provided to prevent access by unauthorized persons when the facility is closed. Scavenging shall not be permitted at any time.
4. **No Outdoor Activity in Certain Districts.** In the R-0, R-1, R-2, UN, MF, and CB districts, or where the site is located adjacent to a residential use or residential zoning district boundary, all sorting, handling and storage activities associated with the use shall be conducted within a fully enclosed building. This restriction may be waived in districts other than those cited above where the site has frontage on and access to a street classified as an arterial or highway. In all instances, walk-up, drive-up or drive-through arrangements for drop-off of recyclables into collection bins or temporary storage containers may occur in open areas.
5. **Hours of Operation.**
 - a. **Near Residential.** If the use is located within 200 feet of the property line of a residential use, a mixed-use development that includes residential use, or a residential zoning district boundary, measured as a radius from property lines of the limited use, the sorting, handling, loading and transport aspects of the use shall not operate between the hours of 8:00 PM and 8:00 AM. Any equipment essential to the operation of the recycling collection center shall not be operated between the hours of 7:00 PM and 7:00 AM.
 - b. **Abutting Residential.** The use, when abutting a residential use, shall not be available for drop-off activity between the hours of 9:00 PM and 8:00 AM.
6. **Minimum Distance from Residential in R-1, R-2 and UN Districts.** In the R-1, R-2 and UN districts, the use shall be located at least 100 feet from any residential use, measured as a radius from property lines of the limited use.
7. **Minimum Setback.** In districts where the use may abut a residential use:
 - a. Drop-Off, loading and Service Areas: 25 feet from any residential property line.
 - b. Outdoor Storage: 25 feet from any residential property line.
8. **Vehicle Stacking.** If designed for drive-through drop-off of recyclables, the site shall have sufficient off-street vehicle stacking areas to prevent queuing of patron, employee and service vehicles on an abutting public street.
9. **Screening.**
 - a. Residential: When the site is located adjacent to a residential use, in districts where this use is permitted, visual screening shall be provided along all common side and rear property lines. The screening shall consist of a solid landscaping strip at least four feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.
 - b. Outdoor Storage: Any outdoor storage areas visible from a public right-of-way shall be enclosed by a solid masonry or concrete wall or a wood fence of sufficient height such that no stored materials are visible above the top of the screening wall or fence from a public right-of-way.
10. **Parking and Screening of Service Vehicles in R-0, R-1, R-2 and UN Districts.** In the R-0, R-1, R-2 and UN districts, trucks or vehicles associated with the use shall not be parked on-site overnight unless in a location that screens them from view from a public right-of-way. No vehicle service or maintenance activities shall occur on the site.
12. **Fencing.** Chain link or barbed wire fence, if used on the site, shall not be visible from any of the site's property lines.
13. **Materials Management.** Appropriate measures shall be taken to contain, cover or otherwise secure materials that are likely to generate wind-blown dust or debris that may affect adjacent properties, including baling or palletizing of materials destined for recycling.
14. **Control of Insects and Vectors.** The use shall be operated and maintained so as to prevent and eliminate the attraction, harborage or breeding of wildlife or insects, rodents, and other vectors.
15. **Sanitary Conditions.** Sanitary conditions shall be maintained through periodic wash-down of the drop-off areas and other facilities, or other appropriate cleaning method to prevent odors, unsightliness or other nuisance conditions from developing. All residuals shall be properly disposed of following cleaning operations.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.347 - RESIDENTIAL STABLE

A. **Limited Use Standards.**

1. **Compliance with Animal Regulations.** The use shall comply with other applicable provisions of the City Code of Ordinances, including [Chapter Z, Animals and Fowl](#).
2. **Use Limitation.** The use shall be accessory to a residential development, for the exclusive private use of residents of the development and their accompanied guests. The accessory activity shall be for the common use of residents as opposed to an equestrian subdivision design in which each lot has a private accessory stable.
 - a. **No Commercial Activity.** The accessory use shall not operate similar to a freestanding "commercial stable," and shall not involve the temporary hire of horses or provision of rental riding facilities for the general public. Additionally, no on-site sale of horses to the general public shall occur.
 - b. **No Events.** The accessory use shall not host or involve any equestrian sporting events or shows such as polo games, rodeos, or riding competitions.

3. **Hours of Operation.** The accessory use shall not allow any horse riding or training activity between the hours of 10:00 PM and 8:00 AM.
4. **Limited Access.** Principal road access and resident access to the accessory use shall be internal to the residential development site. Access to the accessory use from public roads external to the residential development shall be limited to service and emergency vehicles.
5. **Minimum Area.** The accessory use shall include at least one acre of open pasture per horse sheltered.
6. **Minimum Distance from Residential Use or District.** All aspects of the accessory use, including any associated parking or service areas, shall be located at least 200 feet from a common property line between the principal residential development and another residential use, a mixed-use development that includes residential use, or a residential zoning district boundary.
7. **Materials Management.** Appropriate measures shall be taken to contain, cover or otherwise secure materials that are likely to generate wind-blown dust or debris that may affect adjacent properties.
8. **No Nuisance Created.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.348 - RESTAURANT, DRIVE-IN/THROUGH

- A. **Limited Use Standards.** To prevent vehicle and pedestrian conflicts with restaurants located on Broadway Boulevard or Seawall Boulevard restaurant uses with lot frontage and a drive-through service facility providing food service directly to occupants of a motor vehicle shall not have curb cuts and vehicle access on Seawall Boulevard or Broadway Boulevard. If a lot with frontage on Seawall Boulevard or Broadway Boulevard is limited to vehicle access from Seawall Boulevard or Broadway Boulevard, the site shall be limited to one access drive. Spacing of the access drive shall be placed in a location to limit vehicle conflicts with other off-site access drives.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.349 - RESTAURANT, NO DRIVE-IN/THROUGH

A. **Limited Use Standards.**

1. **Scale of Use.** The floor area of the use shall not exceed 2,500 square feet unless located within an existing traditional "corner store" structure, in which case the floor area of the use shall not exceed 5,500 square feet.
2. **Hours of Operation near Residential.** The use, if within 200 feet of the property line of a residential use, a mixed-use development that includes residential use, or a residential zoning district boundary, measured as a radius from property lines of the limited use, shall not operate between the hours of 10:00 PM and 8:00 AM.
3. **Minimum Distance from Single-Family Residential District.** The use shall be located at least 200 feet from an R-1 or R-2 district boundary, measured as a radius from property lines of the limited use, unless separated from the district by an arterial street.
4. **Residential Character.** If operated within a pre-existing dwelling, the use shall maintain the residential character and appearance of the structure.
5. **Residential Screening.** When the site is located adjacent to a residential use or residential zoning district boundary, visual screening shall be provided along all common side and rear property lines. The screening shall consist of a solid landscaping strip at least four feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.
6. **No Nuisance Created.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.350 - RETAIL—BIG BOX

A. **Limited Use Standards.**

1. **Scale of Use.** The gross interior floor area of the use shall not exceed 250,000 square feet, and outside areas used for outdoor merchandise display or storage shall not exceed 30 percent of the gross interior floor area.
2. **Hours of Operation near Residential.** When abutting or within 200 feet of a residential use or zoning district boundary, measured as a radius from property lines of the limited use, the use shall not have any outdoor sales or loading or delivery activities between the hours of 10:00 PM and 7:00 AM.
3. **Truck Access.** The use shall be located such that associated truck traffic can access a collector or arterial roadway without traveling on public right-of-way adjacent to any residential property, school or public park or recreational area or facility.
4. **Outdoor Surfaces.** All outdoor areas used for merchandise display and storage shall have an improved hard surface.
5. **Minimum Setback.**
 - a. Loading and Service Areas: 25 feet from any residential property line or zoning district boundary.
 - b. Outdoor Merchandise Display/Sales and Other Outdoor Storage: 25 feet from any residential property line or zoning district boundary.
6. **Location of Loading Bays.** Loading bays shall be located on the side or rear of the site, oriented away from abutting public street rights-of-way, unless a residential use abuts the site to the side or rear.
7. **Noise Limitation.** All outdoor activities shall comply with the City's noise regulations. Additionally, any outdoor speakers shall be oriented toward the interior of the site and away from property lines, and shall not be operated after 9:00 PM except to provide emergency notifications.
8. **Residential Screening.** When the site is located adjacent to a residential use or residential zoning district boundary, visual screening shall be provided along all common side and rear property lines. The screening shall consist of a landscaping strip at least four feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.
9. **Materials Management.** Appropriate measures shall be taken to contain, cover or otherwise secure materials stored outdoors that are likely to generate windblown dust or debris that may affect adjacent properties.
10. **No Nuisance Created.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.351 - RV PARK (RECREATIONAL VEHICLES)

A. **Limited Use Standards.**

1. **Minimum Setback.**
 - a. Common Facilities: 100 feet from any residential property line or zoning district boundary for restroom/shower facilities and swimming pools or other active recreational facilities.
 - b. Liquid Propane/Propane refueling station: 250 feet from any property line.
2. **Noise Limitation.** All outdoor activities shall comply with the City's noise regulations. Additionally, any outdoor speakers shall be oriented toward the interior of the site and away from property lines, and shall not be operated after 9:00 PM except to provide emergency notifications.
3. **Residential Screening.** When the site is located adjacent to a residential use or residential zoning district boundary, visual screening shall be provided along all common side and rear property lines. The screening shall consist of a solid landscaping strip at least four feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.
4. **Rental Period.** An individual RV is limited to a rental period of sixty days per individual RV pad site.
5. **Minimum Site Area.** The use shall occur on a site of at least 5 acres. An area containing a minimum of 600 square feet with a minimum width of 20 feet facing a street shall be required for each travel trailer lot.
6. **Soil and Ground Cover.** Exposed ground surfaces in all parts of every park shall be paved, covered with solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating dust. The park owner shall be responsible for the maintenance of the ground cover or other vegetation when used.
7. **Screening.** All travel trailer parks shall be enclosed by a screening wall constructed as not to restrict visibility at park entrances and exits consisting of masonry, wood, or live foliage and shall not be less than 6 feet nor more than 8 feet in height and shall fully screen the park from adjacent streets or abutting lands. Live foliage shall not be restricted to a maximum height but must provide a fully opaque visual screen within one year of planting to the specified height and remain fully opaque on a year-round basis
8. **Drainage.** All ground surfaces in the park shall be graded in such a manner as to provide drainage of all surface water in a safe, efficient way. Runoff shall not be permitted to drain on adjacent property and natural drainage characteristics must be retained. A drainage plan prepared by a registered professional engineer is required prior to the issuance of a building permit.
9. **Minimum Distance from Residential District.** An RV park may not be developed on a lot or tract abutting a lot or tract zoned R-0, R-1, or an UN zoning district. RV park operators shall prohibit the installation of temporary decks, gazebos, shade structures, carports, patios, or other accessory structures. The Texas Campground development shall be exempt from the provision.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.352 - SHORT TERM RENTAL RESIDENTIAL DWELLING

A. **Limited Use Standards.**

1. **Proof of Permitting.** A property owner shall register short-term rental as required by the shortterm rental ordinance.
2. **Applicability.** The property owner shall pay Hotel Occupancy Tax as required by state law and municipal ordinance.
3. **Noise Limitation.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
4. **Parking Area.** Parking is limited to one space per guest room; two spaces of which may be calculated as required parking in the public street right-of-ways.
5. **Signage.** Signs prohibited.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.353 - SINGLE-FAMILY ATTACHED RESIDENTIAL DWELLING

A. **Limited Use Standards.** Do not apply to property located between 1624 and 1628 Sealy Ave.

1. **Townhome style dwelling.** The use shall be constructed on a site adjacent to a property with a pre-existing townhome style dwelling.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.354 - SINGLE-FAMILY DETACHED

A. **Limited Use Standards.**

1. In the CB district, a new single-family detached dwelling shall be constructed only on a blockface where 50 percent or more of the land area constituting the blockface is already developed with single-family detached dwellings. Additionally, the lot proposed for development must be bounded on two sides, along the same blockface, with single-family detached dwellings that are pre-existing or to be built concurrently with the proposed new dwelling.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.355 - SCHOOL, PRIVATE

A. **Limited Use Standards.**

1. **Scale of Use.** The use if accessed by a collector, arterial, or highway shall not accommodate more than 100 students hours for Outdoor Events near Residential. The use, when abutting a residential use, shall not involve any outdoor events after 9:00 PM or before 8:00 AM.
2. **Minimum Distance of Outdoor Recreation from Residential Use and District.** A site designed to accommodate active outdoor recreation such as field games, court games, or swimming shall be located at least 100 feet from any common property line with an abutting residential use. This minimum distance shall increase to 200 feet where the facilities are to be lighted for use at any point after dusk.
3. **Minimum Site Area.** One acre minimum.
4. **Noise Limitation.** All outdoor activities shall comply with the City's noise regulations. Additionally, any outdoor speakers shall be oriented toward the interior of the site and away from property lines, and shall not be operated after 9:00 PM except to provide emergency notifications.

5. **Residential Screening.** When the site is located adjacent to a residential use or zoning district boundary, visual screening shall be provided along all common side and rear property lines. The screening shall consist of a landscaping strip at least four feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.356 - SELF STORAGE

A. **Limited Use Standards.**

1. **Existing Structure.** The use shall be permitted only in existing structures.
2. **Mixed-Use Building for Street-Level Activity.** The use shall be permitted only in mixed-use buildings with one or more active uses on the ground floor. No self-storage units shall be located on the ground floor or first habitable floor.
3. **No Outdoor Storage.** All self-storage units shall be fully enclosed, and the use shall not involve any outdoor storage.
4. **Minimum Distance from Same Use within CB District.** The use shall be located at least one-half mile from an existing location of the same use within the CB district, measured as a radius from property lines of the limited use.
5. **Internal Access.** Access to all self-storage units shall be made through the interior of the building rather than from direct outside entrances to each unit.
6. **On-Site Security.** The use shall provide on-site security during all hours of operation, including screening all visitors to maintain controlled access to the self-storage units.
7. **Noise Limitation.** All outdoor activities shall comply with the City's noise regulations.
8. **Screening.** Any off-street areas provided for drop-off and loading activity shall be screened so as not to be visible from abutting public street right-of-ways.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.357 - SUBSTANCE ABUSE FACILITY

- A. The following maximum standards apply for a substance abuse facility. The Planning Commission and City Council may impose additional conditions to make the use compatible with adjacent development and to protect the health, safety and general welfare of the community.

B. **Limited Use Standards.**

1. **Proof of Permitting.** The applicant shall provide proof of application for any licenses required by the State of Texas at the time of application for limited use approval and shall provide proof of issuance of any required licenses before commencing operations.
2. **Limit on Private Assemblies in UN District.** In the UN district, the use shall not host any private assemblies involving others in need of rehabilitation beyond the residents of the facility.
3. **Occupancy Limit in UN District.** In the UN district, the use shall not provide full-time overnight care for more than eight residents.
4. **Hours of Visitation.** Visits to residents of the facility by non-residents shall not occur between the hours of 10:00 PM and 8:00 AM.
5. **Minimum Distance from Same Use.** The use shall be located at least one-half mile from an existing location of the same use, measured as a radius from property lines of the limited use.
6. **Minimum Distance from residential uses.** In the UN district, the use shall be located at least 200 feet from a residential land use. In R-0, R-1 or R-2 district, the use shall be 200 feet from a residential use, measured as a radius from property lines of the limited use, unless separated from the district by an arterial street.
7. **Minimum Distance from Certain Locations.** The use shall be located at least 200 feet from a school or public park, measured as a radius from property lines of the limited use.
8. **Corner Location in UN District.** In the UN district, the use shall be located on a corner lot.
9. **Internal Access.** Ingress to and egress from all assigned living areas for residents shall be made through the interior of the building rather than from direct outside entrances to each unit.
10. **Residential Character.** If operated within a pre-existing dwelling, the use shall maintain the residential character and appearance of the structure.
11. **No Signage.** No signage is permitted.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.358 - VENDING KIOSK/ATM

A. **Limited Use Standards.**

1. **Minimum Setback.** Vending kiosks and ATMs shall be set back from property lines one foot for each one foot in height of the kiosk or ATM.
2. **Maximum Height.** Vending kiosks and ATMs shall not exceed 10 feet in height.
3. **Protection from Collision.** Vending kiosks and ATMs shall be elevated above parking lot surfaces and protected by a six-inch curb, with a minimum radius around the base of the kiosk or ATM of five feet. Bollards shall not be used for collision protection, unless they are integrated into a decorative metal fence which surrounds the structure except at points of access.
4. **Effect on Circulation.**
 - a. Walk-up format vending kiosks and ATMs shall be located so as to connect to any internal or external pedestrian circulation systems on or adjacent to the site, and shall not interfere with vehicular circulation.
 - b. Drive-through format vending kiosks and ATMs shall be located and designed to minimize interference with vehicular circulation in surrounding or adjacent parking areas, and shall provide at least three vehicle stacking spaces including the position at the kiosk or ATM.
5. **Site Circulation and Parking.** Parking spaces for walk-up format vending kiosks and ATMs shall be located within 30 feet of the base of the kiosk or ATM.

- B. **Limited Use Standards in the CB District.** In the CB district, the vending kiosks or ATMs shall be:

1. A walk-up format that is integrated into a building façade;

2. Accessible from a public sidewalk;
3. Located in a building façade that faces a street with on-street parking; and
4. Situated so as not to encroach onto the public sidewalk, and so use of the kiosk or ATM does not impede the flow of pedestrian traffic along the sidewalk.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.359 - WHOLESALE

A. **Limited Use Standards.**

1. **Existing Structure.** The use shall be permitted only in structures built prior to October 30, 2014.
2. **Minimum Distance from Residential.** The use shall be located at least 200 feet from any residential use or residential zoning district boundary, measured as a radius from property lines of the limited use.
3. **No Outdoor Storage.** The use shall not involve any outdoor storage.
4. **Truck Access.** The use shall be located such that associated truck traffic can access a collector or arterial roadway without traveling on public right-of-way adjacent to any school or public park or recreational area or facility.
5. **Minimum Setback of Loading and Service Areas.** 25 feet from any residential property line or zoning district boundary.
6. **Noise Limitation.** All on-site activities shall comply with the City's noise regulations.
7. **Screening.** Any off-street loading and service areas shall be screened so as not to be visible from abutting public street right-of-ways.
8. **No Nuisance Created.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.

(Ord. No. 15-019, § 2, 3-5-15)

Division 2.400 - Supplemental Standards for Various Uses

SEC. 2.401 - ACCESSORY BUILDINGS AND STRUCTURES

- A. **Generally.** The standards of this Section shall apply to accessory buildings and structures that are not specifically addressed elsewhere in this Article (e.g., accessory dwelling unit).
- B. **Timing of Construction.** No accessory building or structure shall be constructed unless the principal building has already been constructed or is under construction simultaneously with the accessory building. The City Manager may waive this requirement by securing assurance the primary structure will be completed within six months from the date the waiver is granted.
- C. **Location.** Accessory buildings shall be located on the same lot or parcel as the principal building or use to which they relate.
- D. **Encroachment into Easements.** Accessory structures shall not be located within access or utility easements unless the easement expressly allows the encroachment. A copy of the easement shall be provided to the City Manager prior to the issuance of permits or clearances for such accessory structures.
- E. **Attached Accessory Buildings.** The following standards shall apply to attached accessory buildings:
1. Accessory buildings that are structurally attached to a principal building shall conform to all standards that apply to the principal building.
 2. Covered but otherwise unenclosed walkways shall not be considered attachments for the purposes of this subsection; however, overhangs from covered walkways shall not encroach into setbacks more than is allowed for principal buildings.
- F. **Residential Occupancy.** Residential occupancy shall not be permitted in accessory buildings that are not constructed and approved for residential use.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.402 - OUTDOOR SWIMMING POOLS AND SPAS

- A. **Generally.** Outdoor swimming pools and spas are allowed as an accessory structure according to the standards of this Section and pursuant to other applicable provisions in the City Code of Ordinances and State law.
- B. **Timing and Location of Construction.** The following standards shall apply to the timing and location of swimming pool and spa construction:
1. No swimming pool or spa shall be constructed unless:
 - a. The principal building has already been constructed, or is under construction simultaneously; or
 - b. The swimming pool or spa is or will be controlled by a property owners' association, and the development phasing plan allows its construction before construction on the lots to which the swimming pool or spa relates.
 2. In general, a swimming pool or spa shall be constructed on the same lot as the principal building to which it is accessory. A swimming pool or spa that is intended to serve the occupants of all lots in a subdivision shall be constructed on a tract that is owned and maintained by a property owners' association.
- C. **Setback.** No encroachment of easements. Any structure taller than 30 inches, including mechanical equipment, must meet setbacks.
- D. **Pool Yard Enclosures.** Pool yards shall be enclosed as required by the City Code of Ordinances or Section 757.001, et seq., Tex. Health and Safety Code.

(Ord. No. 15-019, § 2, 3-5-15)

SEC. 2.403 - RETAINING WALLS

- A. **Applicability.** The provisions of this Section shall apply to all retaining walls as defined in [Article 14](#), Definitions. All properties or developments existing on the effective date of the ordinance through which these provisions were adopted (March 26, 2009) shall comply with the provisions of this Section if:
1. The structure on the property is increased in square footage greater than:
 - a. 25 percent of the total floor area, or
 - b. 1,000 square feet; or
 2. There is a change of ownership of the property; or
 3. The value of all construction done on the property since the effective date (March 26, 2009) totals at least 35 percent of the tax roll value of the

property on the effective date.

- B. **Materials.** Retaining walls adjacent to or visible from a public right-of-way shall be faced with one of the following earth-tone materials:
1. Brick;
 2. Decorative block;
 3. Timber;
 4. Stone; or
 5. Stucco.

Any other finish materials shall require a detailed description and justification, and the approval of the Planning Director.

- C. **Screening from Rights-of-Way or Residential Properties.** All retaining walls shall be screened from public rights-of-way or adjacent residential properties. Retaining wall screening shall consist of:
1. Landscape Strip. A landscape strip, minimum two feet wide.
 2. Shrubs. The landscape strip shall contain shrubs 36 inches tall or the height of the wall, whichever is less. The shrubs shall be spaced at 36 inches on center, and be located on private property at the base of the wall.
- D. **Screening Adjacent to Parking.** Full landscaping shall be installed at the top of the retaining wall, in accordance with [Article 9, Landscaping](#), to satisfy the visual screening requirements between parking/servicing areas and driveways and an adjacent residential use or zoning district, and the right-of-way screening requirements between any parking/servicing areas and adjacent street right-of-way.

[\(Ord. No. 15-019, § 2, 3-5-15\)](#)

Division 2.500 - Supplemental Residential Standards

SEC. 2.501 - FENCES AND WALLS

- A. **Applicability.** The provisions of this Section shall apply in all residential zoning districts unless indicated otherwise elsewhere in these regulations.
- B. **Height.** No fence or freestanding wall shall exceed the following heights:
1. 8 feet for any residential use, including multifamily uses, unless otherwise stated in the additional items in this subsection, below.
 2. 4 feet for any solid fence or wall within a front yard of any residential use, or 5 feet if the fence or wall is at least 60 percent transparent.
 3. 4 feet for any solid fence or wall within a front yard of any single-family attached dwelling or multifamily use, or 6 feet if the fence or wall is at least 60 percent transparent.
 4. 12 feet for any tennis court fence.

[\(Ord. No. 15-019, § 2, 3-5-15\)](#)

Division 2.600 - Supplemental Nonresidential and Mixed Use Standards

SEC. 2.601 - FENCES AND WALLS

- A. **Applicability.** The provisions of this Section shall apply in all nonresidential and mixed-use zoning districts unless indicated otherwise elsewhere in these regulations, such as when a fence or wall required for screening purposes must be taller than the maximum height allowed by this Section.
- B. **Height.** No fence or freestanding wall shall exceed the following heights:
1. 8 feet for any nonresidential use or mixed-use development.
 2. 12 feet for any tennis court fence.
- C. **Materials.** Fences and walls shall be constructed of durable, high-quality materials used for commercial application, including: weather-resistant wood species, wood treated with preservatives approved by the U.S. Environmental Protection Agency, painted wood, composite materials, ornamental wrought iron, powder-coated aluminum, brick and stone.
1. **Prohibited Materials.** When a fence or wall is visible from a public street, the following materials shall not be used:
 - a. Scrap lumber, plywood, sheet metal, corrugated metal or plastic, plastic, or fiberglass sheets.
 - b. Barbed or razor wire, except as provided in subsection C.2., below, or welded wire or chicken wire.
 - c. Glass, spikes, nails or other sharp point or instrument on the top or sides of fences.
 2. **Security Considerations.** Barbed or razor wire may be placed on top of fences enclosing public utility buildings, protective care facilities, correctional facilities, industrial properties and in other situations as required by Federal or State law, or wherever the City Manager or designee finds that such measures:
 - a. Are necessary to address a demonstrated security interest; and
 - b. Comparable security cannot be provided using vegetation (e.g., hedges or shrubs with thorns).

[\(Ord. No. 15-019, § 2, 3-5-15\)](#)

SEC. 2.602 - PERMANENT COMMERCIAL USES

- A. **Permanent Structure.** Except as provided elsewhere in these regulations, every nonresidential use within the City shall be operated out of a stationary building, constructed on an anchored foundation, as approved by the Building Official.
- B. **Restroom Facilities.** Every business within the City shall provide restroom facilities on-site within the permanent structure required by subsection A, above. The restroom facilities shall be available for use by the employees of the particular business. The restroom facilities shall comply with all applicable State, County and City building and health code provisions, including accessibility of the restroom facilities for disabled persons, for the size and type of business to be operated at the site.

[\(Ord. No. 15-019, § 2, 3-5-15\)](#)